

DIVISION M—OTHER MATTERS

DEFENSE RELATED TECHNICAL CORRECTIONS

SEC. 101. Section 8126 of Public Law 107-248 is amended to read as follows: "Of the amounts appropriated in Public Law 107-206, under the heading 'Defense Emergency Response Fund', \$4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: *Provided*, That none of these funds may be used to acquire fee title to the properties."

SEC. 102. Of the amounts appropriated in Public Law 107-248, under the heading "Operation and Maintenance, Navy", \$20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

SEC. 103. Section 124 of Public Law 107-249 is amended by adding at the end before the period the following new proviso: "": *Provided*, That not more than

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\$1,000,000 may be used to provide connectivity between the various North Atlantic Treaty Organization headquarters and the capitals of the New Independent States of the former Soviet Union”.

SEC. 104. In Public Law 107-249, the total amount appropriated under the heading “Military Construction, Air Force” is reduced by \$18,600,000, and the total amount appropriated under the heading “Military Construction, Air Force Reserve” is increased by \$18,600,000.

SEC. 105. (a) Of the funds appropriated in Public Law 107-249 for “Military Construction, Air Force”, \$15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of

1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 106. Section 8040 of Public Law 107-248 is amended by striking "\$100,000" and inserting "\$250,000": *Provided*, That notwithstanding any other provision of law, the Office of Economic Adjustment (OEA) is authorized to make grants using funds made available under the heading "Operation and Maintenance, Defense-Wide" in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference for the Conference Report to accompany H.R. 5010 (House Report 107-732) and these projects shall hereafter be considered to be authorized by law.

(TRANSFER OF FUNDS)

SEC. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, "Procurement, Defense-Wide, 2003/2005", \$48,900,000; and

"Procurement, Defense-Wide, 2002/2004", \$55,100,000;

From:

Under the heading, "Defense Emergency Response Fund, 2002", \$40,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2003/2005", \$5,000,000;

"Procurement of Ammunition, Army, 2002/2004", \$10,100,000;

"Other Procurement, Air Force, 2003/2005", \$7,000,000;

"Research, Development, Test and Evaluation, Army, 2002/2003", \$5,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2003/2004", \$36,900,000.

SEC. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide" in the Department of Defense Appropriations Act, 2003 (Public Law 107-248), the Secretary of Defense shall award a grant in the amount of \$2,000,000 to the Commonwealth of Pennsylvania for Queecreek Mine

disaster rescue and recovery efforts and a grant in the amount of \$600,000 to the City of Philadelphia for safety and security lighting of the Platt Bridge.

(INCLUDING TRANSFER OF FUNDS)

SEC. 109. In addition to amounts appropriated in Public Law 107-248, there are hereby appropriated the following amounts for the following accounts: *Provided*, That funds included in this provision may be transferred to and merged with appropriations previously made available to the Department of Defense for the same time period and for the same purposes as required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Statement of the Managers:

“Military Personnel, Army”, \$771,200,000;

“Military Personnel, Navy”, \$213,800,000;

“Military Personnel, Marine Corps”,
\$68,600,000;

“Military Personnel, Air Force”, \$563,400,000;

“Operation and Maintenance, Army”,
\$1,340,347,000;

“Operation and Maintenance, Navy”,
\$435,813,000;

“Operation and Maintenance, Marine Corps”,
\$202,100,000;

“Operation and Maintenance, Air Force”,
\$1,766,958,000;

“Operation and Maintenance, Defense-Wide”,
\$1,377,313,000;

“Missile Procurement, Air Force”,
\$115,000,000;

“Other Procurement, Air Force”,
\$2,271,657,000;

“Procurement, Defense-Wide”, \$33,448,000;

“Research, Development, Test and Evaluation,
Navy”, \$2,000,000;

“Research, Development, Test and Evaluation,
Air Force”, \$311,980,000;

“Research, Development, Test and Evaluation,
Defense-Wide”, \$416,284,000;

“Defense Health Program”, \$95,100,000; and

“Intelligence Community Management Account”, \$15,000,000, of which \$5,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

SEC. 110. Funds appropriated by this Act or by Public Law 107-248, or made available by the transfer of funds in this Act or in Public Law 107-248, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 90 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 90 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 90 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the

Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties;

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a de-

scription of any modifications of such laws that will be required to use the information in the manner proposed under such program; and

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term “Total Information Awareness program”—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research

Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term “non-United States person” means any person other than a United States person.

(3) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 112. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) is amended by inserting before the period at the end the following: “: *Provided further*, That, in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, the Secretary of Defense may, only to meet unforeseen fuel costs borne by the Defense Working Capital Fund resulting from fuel cost increases and

the global war on terrorism, transfer up to an additional \$500,000,000 of funds made available in this Act to the Department of Defense for military functions (except military construction), from such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund within the Defense Working Capital Fund to which transferred: *Provided further*, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be ~~made available to acquire defense articles, services or other support under section 202(a)(2) of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) prior to notifying the House and Senate Committees on Appropriations of the source of funds to be used for such purpose~~".

used for the drawdown
authority in section 202

DIVISION N—EMERGENCY RELIEF AND
OFFSETS

SECTION 1. SHORT TITLE.—This division may be cited as the “Miscellaneous Appropriations Act, 2003”.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—ELECTION REFORM
ELECTION ASSISTANCE COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002,
\$2,000,000.

ELECTION ASSISTANCE COMMISSION
ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, \$833,000,000, of which \$830,000,000 shall be for requirements payments under Section 257 of that Act, of which \$1,500,000 shall be available for a Help America Vote College Program, and of which \$1,500,000 shall be available for the establishment of a Help America Vote foundation: *Provided*, That no more than 1/10 of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

GENERAL SERVICES ADMINISTRATION

ELECTION REFORM PAYMENTS

For necessary expenses to carry out programs of payments to states as authorized by Title I of the Help America Vote Act of 2002, \$650,000,000,

~~of which \$324,750,000 shall be available for payments to States for the~~

~~improvement of the administration of elections, of which \$324,750,000 shall~~

~~be available for payments to states for the replacement of punch card or~~

~~lever voting machines, and of which not to exceed \$500,000 shall be~~

available to the General Services Administration for necessary administrative expenses.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the
Help America Vote Act of 2002, ^{15,000,000} ~~\$28,000,000~~ ^{13,000,000} ~~\$25,000,000~~, of which ~~\$25,000,000~~ shall

be for payments to states to promote disabled voter access, and of which

² ~~\$7,000,000~~ shall be for payments to states for disabled voters protection and

advocacy systems.

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the “Agricultural Assistance Act of 2003”.

SEC. 202. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture (in this title referred to as the “Secretary”) shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying losses for the 2001 or 2002 crop of an agricultural commodity (other than sugar or tobacco) due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—

(1) USE OF FORMER ADMINISTRATIVE AUTHORITY.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss



1 thresholds for quantity and quality losses as were
2 used in administering that section.

3 (2) PAYMENT RATE.—The payment rate for a
4 crop for assistance provided under this section to the
5 producers on a farm shall be calculated as follows:

6 (A) If the producers obtained a policy or
7 plan of insurance, including a catastrophic risk
8 protection plan, for the crop under the Federal
9 Crop Insurance Act (7 U.S.C. 1501 et seq.), 50
10 percent of the applicable price for the crop.

11 (B) If a policy or plan of insurance, includ-
12 ing a catastrophic risk protection plan, for the
13 crop was not available to the producers under
14 the Federal Crop Insurance Act, 50 percent of
15 the applicable price for the crop.

16 (C) Subject to subsections (e) and (f), if
17 the producers did not obtain a policy or plan of
18 insurance, including a catastrophic risk protec-
19 tion plan, available for the crop under the Fed-
20 eral Crop Insurance Act, 45 percent of the ap-
21 plicable price for the crop.

22 (c) ELECTION OF CROP YEAR.—If a producer in-
23 curred qualifying crop losses in both the 2001 and 2002
24 crop years, the producer shall elect to receive assistance



1 under this section for losses incurred in either the 2001
2 crop year or the 2002 crop year, but not both.

3 (d) PAYMENT LIMITATION.—

4 (1) LIMITATION.—Assistance provided under
5 this section to a producer for losses to a crop, to-
6 gether with the amounts specified in paragraph (2)
7 applicable to the same crop, may not exceed 95 per-
8 cent of what the value of the crop would have been
9 in the absence of the losses, as estimated by the Sec-
10 retary.

11 (2) OTHER PAYMENTS.—In applying the limita-
12 tion in paragraph (1), the Secretary shall include the
13 following:

14 (A) Any crop insurance payment made
15 under the Federal Crop Insurance Act (7
16 U.S.C. 1501 et seq.) or payment under section
17 196 of the Federal Agricultural Improvement
18 and Reform Act of 1996 (7 U.S.C. 7333) that
19 the producer receives for losses to the same
20 crop.

21 (B) The value of the crop that was not lost
22 (if any), as estimated by the Secretary.

23 (e) INELIGIBILITY FOR ASSISTANCE.—Except as pro-
24 vided in subsection (f), the producers on a farm shall not
25 be eligible for assistance under this section with respect



1 to losses to an insurable commodity or noninsurable com-
2 modity if the producers on the farm—

3 (1) in the case of an insurable commodity, did
4 not obtain a policy or plan of insurance for the in-
5 surable commodity under the Federal Crop Insur-
6 ance Act for the crop incurring the losses; and

7 (2) in the case of a noninsurable commodity,
8 did not file the required paperwork, and pay the ad-
9 ministrative fee by the applicable State filing dead-
10 line, for the noninsurable commodity under section
11 196 of the Federal Agriculture Improvement and
12 Reform Act of 1996 for the crop incurring the
13 losses.

14 (f) CONTRACT WAIVER.—The Secretary may waive
15 subsection (e) with respect to the producers on a farm if
16 the producers enter into a contract with the Secretary
17 under which the producers agree—

18 (1) in the case of an insurable commodity, to
19 obtain a policy or plan of insurance under the Fed-
20 eral Crop Insurance Act providing additional cov-
21 erage for the insurable commodity for each of the
22 next two crops; and

23 (2) in the case of a noninsurable commodity, to
24 file the required paperwork, and pay the administra-
25 tive fee by the applicable State filing deadline, for



1 the noninsurable commodity for each of the next two
2 crops under section 196 of the Federal Agriculture
3 Improvement and Reform Act of 1996.

4 (g) EFFECT OF VIOLATION.—In the event of the vio-
5 lation of a contract under subsection (f) by a producer,
6 the producer shall reimburse the Secretary for the full
7 amount of the assistance provided to the producer under
8 this section.

9 (h) DEFINITIONS.—In this section:

10 (1) ADDITIONAL COVERAGE.—The term “addi-
11 tional coverage” has the meaning given the term in
12 section 502(b)(1) of the Federal Crop Insurance Act
13 (7 U.S.C. 1502(b)(1)).

14 (2) INSURABLE COMMODITY.—The term “insur-
15 able commodity” means an agricultural commodity
16 (excluding livestock) for which the producers on a
17 farm are eligible to obtain a policy or plan of insur-
18 ance under the Federal Crop Insurance Act.

19 (3) NONINSURABLE COMMODITY.—The term
20 “noninsurable commodity” means an eligible crop
21 for which the producers on a farm are eligible to ob-
22 tain assistance under section 196 of the Federal Ag-
23 riculture Improvement and Reform Act of 1996.

24 **SEC. 203. LIVESTOCK ASSISTANCE.**

25 (a) LIVESTOCK COMPENSATION PROGRAM.—



1 (1) USE OF COMMODITY CREDIT CORPORATION
2 FUNDS.—Effective beginning on the date of enact-
3 ment of this Act, the Secretary shall use funds of
4 the Commodity Credit Corporation to carry out the
5 2002 Livestock Compensation Program announced
6 by the Secretary on October 10, 2002 (67 Fed. Reg.
7 63070).

8 (2) ELIGIBLE APPLICANTS.—Subject to sub-
9 section (c), in carrying out the Program, the Sec-
10 retary shall—

11 (A) provide assistance to any applicant
12 that—

13 (i) conducts a livestock operation that
14 is physically located in a disaster county;
15 and

16 (ii) meets all other eligibility require-
17 ments established by the Secretary for the
18 Program; and

19 (B) provide assistance to any applicant
20 that—

21 (i) produces an animal described in
22 section 10806(a)(1) of the Farm Security
23 and Rural Investment Act of 2002 (21
24 U.S.C. 321d(a)(1)); and



1 (ii) meets all other eligibility require-
2 ments established by the Secretary for the
3 Program.

4 (b) LIVESTOCK ASSISTANCE PROGRAM.—

5 (1) ASSISTANCE AVAILABLE.—Subject to para-
6 graph (2) and subsection (c), the Secretary shall use
7 \$250,000,000 of funds of the Commodity Credit
8 Corporation to establish a program under which pay-
9 ments are made to livestock producers for losses in
10 a disaster county. To carry out the program, the
11 Secretary shall use the criteria established to carry
12 out the 1999 Livestock Assistance Program, except
13 that, in lieu of the gross revenue criteria used for
14 the 1999 Livestock Assistance Program, the Sec-
15 retary shall use the adjusted gross income limitation
16 contained in section 1001D of the Food Security Act
17 of 1985 (7 U.S.C. 1308-3a).

18 (2) CHOICE OF PAYMENTS.—If the livestock op-
19 eration of the producers is located in a county that
20 was declared to be a disaster county for both cal-
21 endar year 2001 and calendar year 2002, the pro-
22 ducers shall elect to receive payments under this
23 subsection for losses in either calendar year 2001 or
24 calendar year 2002, but not both. If the livestock
25 operation is located in a county that was declared to



1 be a disaster county in just one of those calendar
2 years, the producers may still elect to receive pay-
3 ments under this subsection for losses in either cal-
4 endar year, but not both.

5 (c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PRO-
6 GRAMS.—

7 (1) REDUCTION IN PAYMENTS.—The amount of
8 assistance that the producers would otherwise re-
9 ceive for a loss under a livestock assistance program
10 described in paragraph (2) shall be reduced by the
11 amount of the assistance that the producers receive
12 under any other livestock assistance program de-
13 scribed in such paragraph.

14 (2) COVERED LIVESTOCK ASSISTANCE PRO-
15 GRAMS.—Paragraph (1) applies to the following live-
16 stock assistance programs:

17 (A) The 2002 Cattle Feed Program an-
18 nounced by the Secretary on September 3, 2002
19 (67 Fed. Reg. 56260).

20 (B) The 2002 Livestock Compensation
21 Program, as announced by the Secretary on Oc-
22 tober 10, 2002 (67 Fed. Reg. 63070), and
23 modified in accordance with subsection (a).

24 (C) The livestock assistance program es-
25 tablished under subsection (b).



1 (D) Any other livestock assistance pro-
2 gram, as determined by the Secretary.

3 (d) DEFINITIONS.—In this section:

4 (1) DISASTER COUNTY.—The term “disaster
5 county” means a county included in the geographic
6 area covered by a qualifying natural disaster dec-
7 laration for calendar year 2001 or calendar year
8 2002 for which the request for such declaration was
9 submitted during the period beginning on January
10 1, 2001, and ending on the date of enactment of this
11 Act. However, the term does not include a contig-
12 uous county.

13 (2) QUALIFYING NATURAL DISASTER DECLARA-
14 TION.—The term “qualifying natural disaster dec-
15 laration” means—

16 (A) a natural disaster declared by the Sec-
17 retary under section 321(a) of the Consolidated
18 Farm and Rural Development Act (7 U.S.C.
19 1961(a)); or

20 (B) a major disaster or emergency des-
21 ignated by the President under the Robert T.
22 Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5121 et seq.).



1 **SEC. 204. EMERGENCY SURPLUS REMOVAL.**

2 The Secretary shall transfer \$250,000,000 of funds
3 of the Commodity Credit Corporation to the fund estab-
4 lished by section 32 of the Act of August 24, 1935 (7
5 U.S.C. 612c), to carry out emergency surplus removal of
6 agricultural commodities.

7 **SEC. 205. TOBACCO PAYMENTS.**

8 (a) **DEFINITIONS.**—In this section:

9 (1) **ELIGIBLE PERSON.**—The term “eligible per-
10 son” means a person that—

11 (A) owns a farm for which, irrespective of
12 temporary transfers or undermarketings, a
13 basic quota or allotment for eligible tobacco is
14 established for the 2002 crop year under part
15 I of subtitle B of title III of the Agricultural
16 Adjustment Act of 1938 (7 U.S.C. 1311 et
17 seq.);

18 (B) controls the farm from which, under
19 the quota or allotment for the relevant period,
20 eligible tobacco is marketed, could have been
21 marketed, or can be marketed, taking into ac-
22 count temporary transfers; or

23 (C) grows, could have grown, or can grow
24 eligible tobacco that is marketed, could have
25 been marketed, or can be marketed under the



1 quota or allotment for the 2002 crop year, tak-
2 ing into account temporary transfers.

3 (2) ELIGIBLE TOBACCO.—The term “eligible to-
4 bacco” means each of the following kinds of tobacco:

5 (A) Flue-cured tobacco, comprising types
6 11, 12, 13, and 14.

7 (B) Fire-cured tobacco, comprising types
8 21, 22, and 23.

9 (C) Dark air-cured tobacco, comprising
10 types 35 and 36.

11 (D) Virginia sun-cured tobacco, comprising
12 type 37.

13 (E) Burley tobacco, comprising type 31.

14 (F) Cigar-filler and cigar-binder tobacco,
15 comprising types 42, 43, 44, 54, and 55.

16 (b) PAYMENTS.—Not later than June 1, 2003, the
17 Secretary shall use funds of the Commodity Credit Cor-
18 poration to make payments under this section.

19 (c) POUNDAGE PAYMENT QUANTITIES.—

20 (1) IN GENERAL.—

21 (A) FLUE-CURED AND CIGAR TOBACCO.—

22 In the case of Flue-cured tobacco (types 11, 12,
23 13, and 14) and cigar-filler and cigar-binder to-
24 bacco (types 42, 43, 44, 54, and 55), the
25 poundage payment quantity under this section



1 shall equal the number of pounds of the basic
2 poundage quota of the kind of tobacco, irrespec-
3 tive of temporary transfers or undermarketings,
4 under part I of subtitle B of title III of the Ag-
5 ricultural Adjustment Act of 1938 (7 U.S.C.
6 1311 et seq.) for the 2002 crop year.

7 (B) OTHER KINDS OF ELIGIBLE TO-
8 BACCO.—In the case of each other kind of eligi-
9 ble tobacco, the poundage payment quantity
10 under this section shall equal—

11 (i) in the case of eligible persons that
12 are owners described in subsection
13 (a)(1)(A), the number of pounds of the
14 basic poundage quota of the kind of to-
15 bacco, irrespective of temporary transfers
16 or undermarketings, as determined under
17 paragraph (2); and

18 (ii) in the case of eligible persons that
19 are controllers described in subsection
20 (a)(1)(B) or growers described in sub-
21 section (a)(1)(C), the number of pounds of
22 effective poundage quota of the kind of to-
23 bacco, including temporary transfers or
24 undermarketings, as determined under
25 paragraph (2).



1 (2) CONVERSION OF INDIVIDUAL ALLOTMENTS
2 TO POUNDAGE PAYMENT QUANTITIES.—In the case
3 of each kind of eligible tobacco other than Flue-
4 cured tobacco (types 11, 12, 13, and 14) and Burley
5 tobacco (type 31), individual allotments shall be con-
6 verted to poundage payment quantities by
7 multiplying—

8 (A) the number of acres that may, irre-
9 spective of temporary transfers or undermar-
10 ketings, be devoted, without penalty, to the pro-
11 duction of the kind of tobacco under the allot-
12 ment under part I of subtitle B of title III of
13 the Agricultural Adjustment Act of 1938 (7
14 U.S.C. 1311 et seq.) for the 2002 crop year; by

15 (B)(i) in the case of fire-cured tobacco
16 (type 21), 1,746 pounds per acre;

17 (ii) in the case of fire-cured tobacco (types
18 22 and 23), 2,676 pounds per acre;

19 (iii) in the case of dark air-cured tobacco
20 (types 35 and 36), 2,475 pounds per acre;

21 (iv) in the case of Virginia sun-cured to-
22 bacco (type 37), 1,502 pounds per acre; and

23 (v) in the case of cigar-filler and cigar-
24 binder tobacco (types 42, 43, 44, 54, and 55),
25 2,230 pounds per acre.



1 (d) AVAILABLE PAYMENT AMOUNTS.—The available
2 payment amount for each kind of eligible tobacco under
3 subsection (b) shall not exceed the amount obtained by
4 multiplying—

5 (1) 5.55 cents per pound; and

6 (2) the national basic poundage quota for the
7 applicable kind for the 2002 marketing year, as de-
8 termined under subsection (c)(2).

9 (e) DIVISION OF PAYMENTS AMONG ELIGIBLE PER-
10 SONS.—

11 (1) IN GENERAL.—Payments available with re-
12 spect to a pound of payment quantity, as determined
13 under subsection (d), shall be made available to eli-
14 gible persons in accordance with this paragraph, as
15 determined by the Secretary.

16 (2) FLUE-CURED AND CIGAR TOBACCO.—In the
17 case of payments made available in a State under
18 subsection (b) for Flue-cured tobacco (types 11, 12,
19 13, and 14) and cigar-filler and cigar-binder tobacco
20 (types 42, 43, 44, 54, and 55), the Secretary shall
21 distribute (as determined by the Secretary)—

22 (A) 50 percent of the payments to eligible
23 persons that are owners described in subsection

24 (a)(1)(A); and



1 (B) 50 percent of the payments to eligible
2 persons that are growers described in sub-
3 section (a)(1)(C).

4 (3) OTHER KINDS OF ELIGIBLE TOBACCO.—In
5 the case of payments made available in a State
6 under subsection (b) for each other kind of eligible
7 tobacco not covered by paragraph (2), the Secretary
8 shall distribute (as determined by the Secretary)—

9 (A) $33\frac{1}{3}$ percent of the payments to eligi-
10 ble persons that are owners described in sub-
11 section (a)(1)(A);

12 (B) $33\frac{1}{3}$ percent of the payments to eligi-
13 ble persons that are controllers described in
14 subsection (a)(1)(B); and

15 (C) $33\frac{1}{3}$ percent of the payments to eligi-
16 ble persons that are growers described in sub-
17 section (a)(1)(C).

18 (f) SPECIAL RULE FOR GEORGIA.—The Secretary
19 may make payments under this section to eligible persons
20 in Georgia only if the State of Georgia agrees to use
21 \$13,000,000 to make payments at the same time, or sub-
22 sequently, to the same persons in the same manner as pro-
23 vided for the Federal payments under this section, as re-
24 quired by section 204(b)(6) of the Agricultural Risk Pro-



1 tention Act of 2000 (7 U.S.C. 1421 note; Public Law 106–
2 224).

3 (g) JUDICIAL REVIEW.—A determination by the Sec-
4 retary under this section shall not be subject to judicial
5 review.

6 **SEC. 206. COTTONSEED.**

7 The Secretary shall use \$50,000,000 of funds of the
8 Commodity Credit Corporation to provide assistance to
9 producers and first-handlers of the 2002 crop of cotton-
10 seed.

11 **SEC. 207. HURRICANE ASSISTANCE.**

12 (a) IN GENERAL.—In a State in a which a qualifying
13 natural disaster declaration has been made during a cal-
14 endar year, the Secretary shall make available to first
15 processors that are eligible to obtain a loan under section
16 156(a) of the Federal Agriculture Improvement and Re-
17 form Act of 1996 (7 U.S.C. 7272(a)) assistance in the
18 form of payments, or commodities in the inventory of the
19 Commodity Credit Corporation from carrying out that sec-
20 tion, to partially compensate producers and first proc-
21 essors for crop and other losses that are related to the
22 qualifying natural disaster declaration.

23 (b) ADMINISTRATION.—Assistance under this section
24 shall be—



1 (1) shared by an affected first processor with
2 affected producers that provide commodities to the
3 processor in a manner that reflects contracts entered
4 into between the processor and the producers; and

5 (2) made available under such terms and condi-
6 tions as the Secretary determines are necessary to
7 carry out this section.

8 (c) QUANTITY.—To carry out this section, the Sec-
9 retary shall—

10 (1) use 150,000 tons of commodities in the in-
11 ventory of the Commodity Credit Corporation under
12 section 156(a) of the Federal Agriculture Improve-
13 ment and Reform Act of 1996 (7 U.S.C. 7272(a));

14 (2) make payments in an aggregate amount
15 equal to the market value of 150,000 tons of com-
16 modities described in paragraph (1); or

17 (3) take any combination of actions described in
18 paragraphs (1) and (2) using commodities or pay-
19 ments with a total market value of 150,000 tons of
20 commodities described in paragraph (1).

21 (d) LIMITATIONS.—The Secretary shall provide as-
22 sistance under this section only in a State described in
23 section 359f(c)(1)(A) of the Agricultural Adjustment Act
24 of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying



1 natural disaster declaration was made during calendar
2 year 2002.

3 (e) QUALIFYING NATURAL DISASTER DECLARA-
4 TION.—In this section, the term “qualifying natural dis-
5 aster declaration” means—

6 (1) a natural disaster declared by the Secretary
7 under section 321(a) of the Consolidated Farm and
8 Rural Development Act (7 U.S.C. 1961(a)); or

9 (2) a major disaster or emergency designated
10 by the President under the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42
12 U.S.C. 5121 et seq.).

13 **SEC. 208. WEATHER-RELATED LOSSES.**

14 The Secretary shall use not more than \$60,000,000
15 of funds of the Commodity Credit Corporation to provide
16 assistance to sugar beet producers that suffered produc-
17 tion losses (including quality losses), as determined by the
18 Secretary, for either the 2001 crop year or the 2002 crop
19 year, but not both, as elected by the producers.

20 **SEC. 209. ASSISTANCE TO AGRICULTURAL PRODUCERS LO-**

21 **CATED ALONG RIO GRANDE FOR WATER**

22 **LOSSES.**

23 (a) IN GENERAL.—The Secretary shall use
24 \$10,000,000 of funds of the Commodity Credit Corpora-
25 tion to make a grant to the State of Texas, acting through

1 the Texas Department of Agriculture, to provide assist-
2 ance to agricultural producers in the State of Texas with
3 farming operations along the Rio Grande that have suf-
4 fered economic losses during the 2002 crop year due to
5 the failure of Mexico to deliver water to the United States
6 in accordance with the Treaty Relating to the Utilization
7 of Waters of the Colorado and Tijuana Rivers and of the
8 Rio Grande, and Supplementary Protocol signed Novem-
9 ber 14, 1944, signed at Washington, February 3, 1944
10 (59 Stat. 1219; TS 994).

11 (b) AMOUNT.—The amount of assistance provided to
12 individual agricultural producers under this section shall
13 be proportional to the amount of economic losses described
14 in subsection (a) that were incurred by the producers.

15 **SEC. 210. ASSISTANCE TO AGRICULTURAL PRODUCERS LO-**
16 **CATED IN NEW MEXICO FOR TEBUTHIURON**
17 **APPLICATION LOSSES.**

18 (a) IN GENERAL.—The Secretary shall use not more
19 than \$1,650,000 of funds of the Commodity Credit Cor-
20 poration to reimburse agricultural producers on farms lo-
21 cated in the vicinity of Malaga, New Mexico, for losses
22 incurred during calendar years 2002 and 2003 as the re-
23 sult of the application by the Federal Government of
24 tebuthiuron on land on or near the farms of the producers



1 during August 2002. The funds made available under this
2 subsection shall remain available until expended.

3 (b) AMOUNT.—The amount of assistance provided to
4 individual agricultural producers under this section shall
5 be proportional to the amount of losses described in sub-
6 section (a) that were incurred by the producers.

7 **SEC. 211. ASSISTANCE TO CITRUS AND LIME GROWERS FOR**
8 **LOST PRODUCTION FROM TREES REMOVED**
9 **TO CONTROL CITRUS CANCKER.**

10 (a) IN GENERAL.—Subject to subsection (b), the Sec-
11 retary shall use not more than \$18,200,000 of the funds
12 of the Commodity Credit Corporation, to remain available
13 until expended, to compensate commercial citrus and lime
14 growers in the State of Florida for lost production with
15 respect to trees removed to control citrus canker, and with
16 respect to certified citrus nursery stocks within the citrus
17 canker quarantine areas, as determined by the Secretary.

18 (b) REMOVAL OF TREES.—For a grower to receive
19 assistance for a tree under this section, the tree must have
20 been removed after September 30, 2001.

21 **SEC. 212. ADMINISTRATION.**

22 Section 1232(a)(7)(A)(iii) of the Food Security Act
23 of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by in-
24 serting before the semicolon the following: “, except that
25 this clause shall not apply to the 2002 calendar year, and



1 the Secretary shall repay the owner or operator (in a man-
2 ner determined by the Secretary) for any reduction in
3 rental payments made to the owner or operator as the re-
4 sult of the application of this clause to the 2002 calendar
5 year”.

6 **SEC. 213. TECHNICAL ASSISTANCE.**

7 Section 1241 of the Food Security Act of 1985 (16
8 U.S.C. 3841) is amended—

9 (1) by striking subsection (b) and inserting the
10 following new subsection (b):

11 “(b) TECHNICAL ASSISTANCE.—

12 “(1) DATE OF ENACTMENT THROUGH SEP-
13 TEMBER 30, 2003.—During the period beginning on
14 the date of enactment of the Agricultural Assistance
15 Act of 2003 and ending on September 30, 2003,
16 Commodity Credit Corporation funds made available
17 under paragraphs (4) through (7) of subsection (a)
18 shall be available for the provision of technical as-
19 sistance (subject to section 1242) for the conserva-
20 tion programs specified in subsection (a).

21 “(2) SUBSEQUENT FISCAL YEARS.—Effective
22 beginning on October 1, 2003, Commodity Credit
23 Corporation funds made available under paragraphs
24 (3) through (7) of subsection (a) shall be available
25 for the provision of technical assistance (subject to



1 section 1242) for the conservation programs speci-
2 fied in subsection (a).”; and

3 (2) by redesignating subsection (c) as sub-
4 section (d) and inserting after subsection (b) the fol-
5 lowing new subsection (c):

6 “(c) RELATIONSHIP TO OTHER LAW.—The use of
7 Commodity Credit Corporation funds under subsection (b)
8 to provide technical assistance shall not be considered an
9 allotment or fund transfer from the Commodity Credit
10 Corporation for purposes of the limit on expenditures for
11 technical assistance imposed by section 11 of the Com-
12 modity Credit Corporation Charter Act (15 U.S.C.
13 714i).”.

14 **SEC. 214. PRODUCER-OWNED COOPERATIVE MARKETING**
15 **ASSOCIATION LOAN FORFEITURE AUTHOR-**
16 **ITY.**

17 (a) IN GENERAL.—Section 844 of the Agriculture,
18 Rural Development, Food and Drug Administration, and
19 Related Agencies Appropriations Act, 2001 (as enacted
20 into law by Public Law 106-387 (114 Stat. 1549, 1549A-
21 160), and amended by section 101(9) of the Miscellaneous
22 Appropriations Act, 2001 (114 Stat. 2763, 2763A-172)),
23 is amended—



1 (1) in the section heading, by striking “**BUR-**
2 **LEY, FLUE-CURED, AND CIGAR BINDER TYPE**
3 **54-55**”; and

4 (2) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) by inserting “, or the 1999, 2000,
7 and 2001 crops of type 21 Fire-cured to-
8 bacco or type 37 Virginia sun-cured to-
9 bacco” after “tobacco” the first place it
10 appears; and

11 (ii) by striking “Burley, Flue-cured,
12 or Cigar Binder Type 54-55” the second
13 place it appears;

14 (B) in paragraph (2)(B), by striking “Bur-
15 ley, Flue-cured, Cigar Binder Type 54-55, or
16 any other kind of tobacco” and inserting “any
17 kind of tobacco”; and

18 (C) in paragraph (3)(A), by striking “the
19 Burley, Flue-cured, or Cigar Binder Type 54-
20 55 tobacco” and inserting “any tobacco”.

21 (b) APPLICATION.—The amendments made by sub-
22 section (a) apply during fiscal year 2003.

23 **SEC. 215. BOVINE TUBERCULOSIS ERADICATION.**

24 In addition to funds made available under section 106
25 of the Miscellaneous Appropriations Act, 2001 (114 Stat.



1 2763, 2763A-173), the Secretary shall use not more than
2 \$15,000,000 of the funds of the Commodity Credit Cor-
3 poration to make payments to agricultural producers for
4 incidental costs incurred by the producers as a result of
5 payments received under that section.

6 **SEC. 216. FUNDING.**

7 (a) IN GENERAL.—The Secretary shall use the funds,
8 facilities, and authorities of the Commodity Credit Cor-
9 poration to carry out this title, to remain available until
10 expended.

11 (b) ADMINISTRATION.—The Secretary, acting
12 through the Farm Service Agency, may use not more than
13 \$70,000,000 of funds of the Commodity Credit Corpora-
14 tion to cover administrative costs associated with the im-
15 plementation of this title and title I of the Farm Security
16 and Rural Investment Act of 2002 (7 U.S.C. 7901 et
17 seq.), to remain available until expended.

18 (c) LIMITATION.—Section 1241(a)(3) of the Food Se-
19 curity Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by
20 inserting before the period at the end the following: “,
21 using not more than \$3,773,000,000 for the period of fis-
22 cal years 2003 through 2013”.

23 **SEC. 217. REGULATIONS.**

24 (a) IN GENERAL.—The Secretary may promulgate
25 such regulations as are necessary to implement this title.



1 (b) PROCEDURE.—The promulgation of the regula-
2 tions and administration of this title shall be made without
3 regard to—

4 (1) the notice and comment provisions of sec-
5 tion 553 of title 5, United States Code;

6 (2) the Statement of Policy of the Secretary of
7 Agriculture effective July 24, 1971 (36 Fed. Reg.
8 13804), relating to notices of proposed rulemaking
9 and public participation in rulemaking; and

10 (3) chapter 35 of title 44, United States Code
11 (commonly known as the “Paperwork Reduction
12 Act”).

13 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
14 MAKING.—In carrying out this section, the Secretary shall
15 use the authority provided under section 808 of title 5,
16 United States Code.

INSERT 25A



25A

218

SEC. ~~502~~. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount to repay prior year advances from other appropriations transferred for wildfire suppression and emergency rehabilitation by the Department of the Interior, \$189,000,000, to remain available until expended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities, \$636,000,000, to remain available until expended. Of the funds provided, \$70,000,000 shall be transferred to the Knutson Vandenburg fund, \$30,000,000 shall be transferred to the Salvage Sale fund, \$143,000,000 shall be transferred to the Land Acquisition account, \$132,000,000 shall be transferred to the Capital Improvement and Maintenance account, \$30,000,000 shall be transferred to the Timber Purchaser Election account, \$77,000,000 shall be transferred to the State and Private

Forestry account, \$23,000,000 shall be transferred to the Forest and Rangeland Research account, \$62,000,000 shall be transferred to the National Forest System account, \$20,000,000 shall be transferred to the Brush Disposal Account, \$30,000,000 shall be transferred to the Working Capital Fund of the Forest Service, \$4,000,000 shall be transferred to the Receipts for Road and Trail fund, \$1,000,000 shall be transferred to the Operations and Maintenance of Quarters fund, and \$14,000,000 shall be transferred to the Forest Service Recreation Fee Demonstration fund.

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107-229, as amended by section 3 of Public Law 107-240 and by section 2 of Public Law 107-294, is amended—

(1) by striking “the date specified in section 107(c) of this joint resolution” and inserting “June 30, 2003”; and

(2) by striking “: *Provided further*, That notwithstanding” and all that follows through the period and inserting a period.

SEC. 402. (a) Section 1848(i)(1)(C) of the Social Security Act (42 U.S.C. 1395w-4(i)(1)(C)) is amended to read as follows:

“(C) the determination of conversion factors under subsection (d), including without limitation a prospective redetermination of the sustainable growth rates for any or all previous fiscal years,”.

(b)(1) Notwithstanding the determination of the applicable standardized amounts under paragraph (3)(A) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), for purposes of making payments under such section for discharges occurring during the period beginning on April 1, 2003, and ending on September 30, 2003, the standardized amount applicable under such paragraph

for hospitals located other than in a large urban area for that period shall be increased to an amount equal to the standardized amount otherwise applicable under such paragraph for hospitals located in a large urban area for that period.

(2) The increase in the standardized amount for hospitals located other than in a large urban area provided for under paragraph (1) for the period beginning on April 1, 2003, and ending on September 30, 2003, shall not apply to discharges occurring after such period, and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such period.

SEC. 403. Section 136 of Public Law 107-229, as added by section 5 of Public Law 107-240, is amended by striking "60 days after the date specified in section 107(c) of Public Law 107-229, as amended" and inserting "September 30, 2003".

SEC. 404. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency

Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

TITLE V—FISHERIES DISASTERS

SEC. 501. FISHERIES DISASTERS.—In addition to amounts appropriated or otherwise made available, \$100,000,000 is appropriated to the Department of Commerce for fisheries disaster assistance. Not more than 5 percent of such funds may be used for administrative expenses, and no funds may be used for lobbying activities or representational expenses.

(a) WESTERN PACIFIC AND NORTH PACIFIC.—\$5,000,000 shall be made available as a direct lump sum payment to the State of Hawaii for economic assistance to fisheries affected by federal closures or fishing restrictions and \$35,000,000 shall be made available as a direct lump sum payment to the State of Alaska no later than 30 days after the date of enactment of this Act to make payments to persons or entities which have experienced significant economic hardship. Funds in Alaska shall be used to provide (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel including subsistence activities, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) and assistance for local and borough governments adversely affected by reductions in fish land-

ing fees and other fishing-related revenue; and (D) product development and marketing.

(b) NORTHEAST AND WEST COAST.—\$10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the Northeast multispecies fishery and \$10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the West Coast groundfish fishery. Such sums shall supplement the voluntary capacity reduction program authorized for the fishery in Sec. 211 of Public Law 107–206 and be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements relating to the capacity program in section 211 of Public Law 107–206 that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pur-

suant to section 600.1011(c) of title 50, Code of Federal Regulations.

(c) GULF AND SOUTH ATLANTIC.—

(1) \$17,500,000 shall be made available for assistance to the shrimp industries in the states of South Carolina, Georgia, North Carolina, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the South Atlantic shrimp fishery: *Provided*, That the State of Florida shall receive only that proportion associated with landings of the Florida east coast fishery; and

(2) \$17,500,000 shall be made available for assistance to the shrimp industries in the states of Mississippi, Texas, Alabama, Louisiana, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the Gulf shrimp fishery: *Provided*, That the State of Florida shall receive only that proportion associated with landings of the Florida gulf coast fishery. *Provided further*, That 2 percent of funds received by each state shall be retained by the state for distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations, and

that the remainder of the funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; (D) state seafood testing programs; (E) development of limited entry programs for the fishery; (F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and (G) voluntary capacity reduction programs for shrimp fisheries under limited access.

(d) BLUE CRAB FISHERY.—\$5,000,000 shall be made available for assistance to blue crab fisheries affected by reduced harvests and sales of blue crab in proportion to the amount of the catch landed by each state, *Provided*, That such funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; and (D) state seafood testing programs:

Provided further, That the Secretary of Commerce, in consultation with the Commandant of the Coast Guard, shall provide coordinated, enhanced and routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft and communications assets, with particular emphasis on federal waters seaward of the coasts of South Carolina and Georgia, including the Charleston Bump closed area.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS.—

There is hereby rescinded an amount equal to 0.65 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution;

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act; and

(3) the contract authority provided in fiscal year 2003 for any program subject to limitation contained in this joint resolution.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation

Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this joint resolution in the following amounts in the following activities or accounts:

\$4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A;

\$6,667,533,000 provided for the Head Start Act in the Department of Education in division G;

\$23,889,304,000 provided for medical care in the Department of Veterans Affairs in division K; and

\$3,836,000,000 provided for the Shuttle program in the National Aeronautics and Space Administration in division K.

TITLE VII—BONNEVILLE POWER
ADMINISTRATION BORROWING AUTHORITY

SEC. 701. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional \$700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: *Provided*, That the Bonneville Power Administration shall not use more than \$531,000,000 of its permanent borrowing authority in fiscal year 2003.

SEC. 702. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under sec-

tion 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.